

## REMARKS

### Status of the Claims

Claims 1 and 8 have been amended to more clearly define what is meant by a hydratable keratin. Claims 1-11 are currently under examination. Claims 12-25 and 32-51 have previously been canceled without prejudice as drawn to non-elected inventions. Claims 26-31 were also previously canceled.

### Summary of Interview

The Examiner and the undersigned representative discussed the claims by telephone on or about July 13, 2009. The Examiner indicated in that interview and in a subsequent voice mail message that at least claim 11 may be allowable and that the inclusion of the preservative tetraalkylammonium hydroxide into claim 1 or 8 could render those claims allowable.

Applicant's representative maintained that the hydratable keratin or keratin hydrogels in claims 1 and 8 are patentable over the cited art, at least as evidenced by the declaration of George Gentry submitted on June 15, 2009, which is discussed in more detail below.

### Rejections Under 35 USC §102

The Action rejects claims 1-11 as anticipated by CN 1137030 ('030), taking the position that the '030 teaches compositions comprising keratin, metal ions and preservative components.

Applicants respectfully traverse the rejection in that the cited reference does not describe any composition containing a hydratable keratin or a keratin hydrogel as in independent claim 1 and dependent claims 2-11.

In the interview summarized above, Applicant's representative argued that the '030 reference does not teach or suggest a keratin hydrogel, and that the hydratable keratin of the

claims was shown to be a different material than the keratin hydrolyzate described in the '030 publication in a side by side comparison. (See declaration of George Gentry)

The Examiner responded by stating that the claims were not limited to a keratin hydrogel and that the '030 could describe a hydratable keratin.

Applicant continues to traverse this rejection. The Specification, at paragraph [0010] defines a hydratable keratin as "a keratin or keratin material that when hydrated forms a hydrogel." Applicant has shown that the material described in the '030 reference does not form a hydrogel when hydrated. A more detailed discussion of this is of record in the response to final office action filed June 15, 2009.

In order to further clarify the claims, however, claims 1 and 8 have been amended to include the term a hydratable keratin hydrogel precursor, rather than a hydratable keratin. The claims are thus even more clearly distinguished from the disclosure of the '030 reference, which according to the translated abstract, describes compositions containing a mixture of amino acids that are prepared by hydrolyzing keratin or soybean meal in 30-40 % sulfuric acid at high temperature. This reaction hydrolyses the protein backbone resulting in individual amino acids or short peptides. The abstract refers to this product as an amino acid solution, further supporting the fact that the composition contains amino acids rather than a hydratable protein product or a hydrogel.

The hydrogel precursor, or hydratable keratin is described in the Specification at least in Example 1, paragraph [0031] which is directed to production of the fibrous or powdered hydrogel precursor.

Applicant submits, therefore, that the claims are now even more clearly distinguished over the cited art, and respectfully request that this rejection be withdrawn and all claims allowed, since no other rejections are of record.

Conclusion

Based on the preceding comments and amendments, the claims are now in condition for allowance and an immediate notice to that effect is respectfully requested.

If the Examiner has any questions or suggestions that would help progress the claims to allowance, a telephone call to the undersigned is welcomed.

Respectfully submitted,



Timothy S. Corder  
Reg. No. 38,414  
Agent for Applicants

Vinson & Elkins L.L.P.  
First City Tower  
1001 Fannin, Suite 2300  
Houston, Texas 77002-6760  
512.542.8446

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